

State Utility Regulatory Proceedings

A Consumer's Guide to the Process



learn more!



Indiana Office of Utility Consumer Counselor

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Petition

The filing of a petition before the Indiana Utility Regulatory Commission (IURC) is usually the first step in a regulatory case.

- The petition is a legal document that briefly describes the request and includes general facts about the proposal.
- A utility files a petition when it seeks to change its rates, expand its service territory or make other changes to the regulated aspects of its operations.
- The Indiana Office of Utility Consumer Counselor (OUCC) and other parties may also file petitions.

This is a general summary of how typical IURC cases work. If you have specific questions about a particular proceeding, please contact the OUCC's consumer services staff either online at www.IN.gov/OUCC or toll-free at 1-888-441-2494.

Specific legal authority concerning state utility regulatory proceedings can be found in the Indiana Administrative Code (Title 170) and the Indiana Code (IC 8-1-1.1 et. seq.).

The IURC is the decision-making body in utility regulatory proceedings and is required by law to make decisions that balance the interests of all parties to ensure that utilities provide reliable service at reasonable prices. The Commission can regulate rates, service quality, service territory and other aspects of a utility's business. An IURC Administrative Law Judge is assigned to hear the evidence in each case.



The OUCC is a formal party to each IURC proceeding and is charged with representing the interests of all Indiana utility consumers.

An intervenor, or other interested group, can request permission from the IURC to participate as an additional party to the case. An intervenor must be represented by an attorney, show that it has a substantial interest in the outcome of the proceeding, and meet other criteria as detailed in Title 170 of the Indiana Administrative Code.

When a concern arises about a utility's operations (such as service quality), the OUCC or another party may file a formal complaint with the IURC. The IURC may also initiate an investigation into a utility's operation on its own.

Each proceeding is given a five-digit cause number that is used to track the case through the process.

Pre-Hearing Conference

This is a brief, preliminary hearing at which the parties normally establish a procedural schedule, including filing and hearing dates. The utility, OUCC and other parties (if they formally intervene) may also discuss the number and scope of issues to be addressed in the case.

Evidence

Each party in an IURC case presents written evidence to support its position. Because utility cases are highly technical and very complicated, testimony from witnesses is submitted in advance of formal hearings so other parties can evaluate, understand and address it. The discovery process allows parties to receive additional written information and to question witnesses through depositions as they build their cases. Parties may also reply to each other's filings through rebuttal testimony.

Settlement

In many IURC cases, parties are able to negotiate settlement agreements.

- The OUCC encourages agreements that provide a fair benefit to consumers. Settlements alleviate the time and expense of litigation – costs that are ultimately borne by consumers through their utility bills.
- A settlement can be reached at any time while a case is pending but must receive IURC approval before taking effect.



Public Field Hearing

A public field hearing allows consumers to speak directly to the IURC regarding a specific case. Written and oral comments submitted at field hearings become part of the evidentiary record reviewed by Commissioners in making a final decision.

- State law requires one field hearing in a utility's service territory if the utility has requested a general rate increase of at least \$2.5 million annually.
- Field hearings can also be held at the request of the OUCC and/or other parties.

The OUCC conducts an informational meeting before each field hearing to discuss the process and answer consumer questions. Regardless of whether a field hearing is held, the OUCC invites and encourages written consumer comments in all IURC cases. For more information, please see the OUCC's "Speaking Out on Pending Cases" brochure.

Evidentiary Hearing

The IURC conducts an evidentiary hearing in each case, normally in Indianapolis at the Indiana Government Center - South. An Administrative Law Judge presides with at least one Commissioner present.

- If all parties have reached a settlement agreement, the Commission conducts an uncontested hearing.
- Evidence supporting the settlement is accepted into the record to assist the Commission in making its decision to approve, modify or deny the agreement.
- When parties do not agree, the Commission conducts a contested hearing - similar to a trial in civil court.
- Evidence offered into the record must meet the same standards as used in court. Witnesses are placed under oath and their previously filed testimony is subject to cross-examination by the other parties.
- While evidentiary hearings are open to the public for observation, only witnesses for the formal parties who have pre-filed written testimony are allowed to testify and be cross examined.

Final Filings

Once all evidence is in the record, the parties set a timetable for submitting briefs or proposed orders.

- Briefs are legal pleadings that attempt to persuade the Commission to accept a particular position.
- A proposed order is a document in which a party proposes specific language for the Commission's final order.
- Once these filings are submitted, the evidentiary record is closed and the Commission may begin deliberations.

Order

After considering and deliberating on the evidence presented in the case, the IURC issues a final written order.

- Indiana law allows the Commission to meet in executive sessions to deliberate on any specific case once all evidence is in the record.
- Every final order must be voted on by the Commissioners to take effect. This happens at the IURC's "conference," which is a weekly public meeting of all Commissioners at the Indiana Government Center – South. Weekly conference agendas are posted on the IURC Website.
- All Commission findings must be supported by substantial evidence.



Appeal

A formal party may appeal a final IURC order in one of two ways:

- The party may ask the Commission to reconsider all or part of its decision (such a request must be filed within 20 days of the order).
- A party may also ask the Indiana Court of Appeals or the Indiana Supreme Court to overturn all or part of the Commission's order (a notice of appeal to a higher court must be filed within 30 days of an IURC order).

Written consumer comments
are welcome in all pending
IURC cases.

The OUCC invites comments
by mail, fax or the Internet.
For helpful tips on making
effective comments, please
see the OUCC's "Speaking Out
on Pending Cases" brochure.

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